

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

FREE SPEECH COALITION, INC. et al.,

Plaintiffs,

v.

MERRICK B. GARLAND,  
Attorney General,

Defendant.

Civil Action No. 2:09-4607

Judge Michael M. Baylson

**[DEFENDANT'S PROPOSED] AMENDED JUDGMENT**

AND NOW, this \_\_\_ day of \_\_\_\_\_, 2021, pursuant to the Court of Appeals' Judgment entered on November 4, 2020 (ECF 288), this Court hereby amends its Judgment of August 3, 2018 (ECF 279) as follows:

1. The Court having found that Plaintiffs Free Speech Coalition, et al., failed to meet their burden on their First Amendment facial overbreadth claim, the Court ENTERS JUDGMENT IN FAVOR OF DEFENDANT Merrick B. Garland, in his official capacity as Attorney General of the United States, on Plaintiffs' First Amendment facial overbreadth challenge to 18 U.S.C. §§ 2257 and 2257A and their implementing regulations, 28 C.F.R. §§ 75.1, *et seq.*,

2. The First Amendment as-applied claims of Plaintiffs Free Speech Coalition and American Society of Media Photographers, to 18 U.S.C. §§ 2257 and 2257A and their implementing regulations, 28 C.F.R. §§ 75.1, *et seq.*, are DISMISSED FOR LACK OF STANDING.

3. A suggestion of death of Plaintiff Betty Dodson was filed on December 29, 2020 (ECF 289). Pursuant to Federal Rule of Civil Procedure 25, the action by plaintiff Betty Dodson is DISMISSED.

4. With respect to the remaining as-applied First Amendment challenges to 18 U.S.C.

§§ 2257 and 2257A and their implementing regulations, 28 C.F.R. §§ 75.1, *et seq.*, the Court

ENTERS the following JUDGMENT IN FAVOR OF PLAINTIFFS AND AGAINST

DEFENDANT: 18 U.S.C. §§ 2257 and 2257A and their implementing regulations, 28 C.F.R. §§

75.1, *et seq.*, are unconstitutional under the First Amendment as applied to Plaintiffs Barbara Alper,

Thomas Hymes, Marie Levine, David Levingston, Barbara Nitke, Carol Queen, Carlin Ross,

Townsend Enterprises, Inc. dba Sinclair Institute, and David Steinberg (the “individual plaintiffs”).

The Court hereby permanently enjoins Defendant, his agents, servants, employees, attorneys, and

other persons acting in concert or participation with him from enforcing these statutes and

regulations against the individual plaintiffs.

5. The Court previously entered judgment in favor of Plaintiffs and against Defendant declaring that 18 U.S.C. § 2257 (f)(5), 18 U.S.C. § 2257A (f)(5), as well as the portions of 18

U.S.C. 2257 (c) and 18 U.S.C. § 2257A (c) that require recordkeepers to “make such records

available to the Attorney General for inspection at all reasonable times,” and 28 C.F.R. § 75.5 are

facially unconstitutional under the Fourth Amendment, Judgment (Doc. 242), in accordance with

the decision of the Third Circuit. The Court now hereby permanently enjoins Defendant, his agents,

servants, employees, attorneys, and other persons acting in concert or participation with him from

enforcing these statutes and regulations.

6. Each party is to bear its own costs.

**BY THE COURT:**

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**MICHAEL M. BAYLSON, U.S.D.J**